

**COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO**

**DAVID BAILEY  
c/o Brian P. Gillan, Esq.  
FREKING MYERS & REUL LLC  
600 Vine Street, 9<sup>th</sup> Floor  
Cincinnati, OH 45202**

**Plaintiff,**

**-vs-**

**TAMAYA DENNARD  
Individually and in her capacity  
as a member of the Cincinnati  
City Council  
c/o Cincinnati City Council  
801 Plum Street  
Cincinnati, OH 45202**

**Defendant.**

**Case No.** \_\_\_\_\_

**Judge** \_\_\_\_\_

**COMPLAINT FOR DEFAMATION  
WITH JURY DEMAND ENDORSED  
HEREON**

For his Complaint against Defendant Tamaya Dennard for defamation, Plaintiff David Bailey states as follows:

**I. PARTIES**

1. Plaintiff David Bailey (“Bailey” or “Plaintiff”) is a citizen of the United States and a resident of Hamilton County, Ohio.

2. Defendant Tamaya Dennard (“Dennard” or “Defendant”) is a citizen of the United States and a resident of Hamilton County, Ohio. She is a member of Cincinnati City Council. Ms. Dennard is being sued individually and in her official capacity.

**II. JURISDICTION AND VENUE**

3. This Court has subject matter jurisdiction.

4. Venue is appropriate in this Court pursuant to Rule 3(B)(3) of the Ohio Rules of Civil Procedure because Defendant conducted the activity that gave rise to the claims herein in Hamilton County, Ohio, and Defendant is domiciled in Hamilton County, Ohio.

### **III. THE FACTS**

5. David Bailey was an exemplary Police Officer for his entire 31 year career, who faithfully served the people of the City of Cincinnati during all of that time.

6. Bailey rose through the ranks with the Cincinnati Police Department, capping his career as Executive Assistant Police Chief with the rank of Lieutenant Colonel.

7. Bailey is widely regarded as exemplifying the ideal police officer.

8. On March 8, 2018, Dennard texted the following to Chris Seelbach and others:  
“Bailey is a racist and has been for some time.”

9. Defendant’s statement is false, and she made it intentionally and/or knowingly, with actual malice and without privilege.

10. At various times thereafter, Defendant further published this false statement, both orally and in written publication, which have injured Plaintiff’s reputation and exposed him to public contempt, ridicule, shame and disgrace, and have adversely affected Plaintiff in his profession.

### **IV. THE CLAIMS**

#### **A. COUNT ONE - DEFAMATION**

11. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

12. On March 8, 2018 and subsequently, Defendant intentionally and/or knowingly made false and defamatory statements about Plaintiff, specifically that he “is a racist and has been for some time.”

13. The published false statements include both oral statements and false written publication, which have injured Plaintiff's reputation and exposed him to public contempt, ridicule, shame and disgrace, and have adversely affected Plaintiff in his profession.

14. Defendant published these statements to various persons, including but not limited to Chris Seelbach.

15. Defendant published these statements negligently, recklessly, and/or with actual malice.

16. Defendant's actions were willful, wanton and malicious, and the published statements were made without privilege, and/or made with actual malice.

17. Defendant's false statements impugned Plaintiff's professional reputation, reflected negatively upon his character, and have injured him in his profession.

18. Plaintiff has suffered injury as a result of Defendant's false and defamatory statements including, but not limited to, injuries to his reputation and livelihood, as well as *per se* injuries.

19. Defendant's intentional and malicious actions entitle Plaintiff to punitive damages as well as attorney's fees and costs.

**V. DAMAGES**

**WHEREFORE**, Plaintiff David Bailey demands judgment against Defendant Tamaya Dennard and an award of compensatory damages, punitive damages and attorney's fees, his cost of litigation, pre-judgment interest, post-judgment interest and all other equitable relief that this Court deems appropriate.

Respectfully submitted,

/s/ Brian P. Gillan

Brian P. Gillan (0030013)

Trial Attorney for Plaintiff, David Bailey

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**JURY DEMAND**

Plaintiff hereby demands a trial by jury on all matters so triable.

/s/ Brian P. Gillan

Brian P. Gillan